

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

FRANCIS FENWICK et al.,

Plaintiffs,

v.

RANBAXY PHARMACEUTICALS INC,
et al.

Defendants.

Civil Action No. 12-7354 (PGS) (DEA)

ORDER

WHEREAS, this matter having come before the Court upon Defendants Ranbaxy Pharmaceuticals, Inc., Ranbaxy Laboratories, Ltd., Ranbaxy Laboratories, Inc., Ranbaxy, Inc. and Ranbaxy USA's (collectively, "Ranbaxy") Motion to Dismiss Plaintiffs' Second Amended Complaint ("Complaint") (ECF No. 34); and

WHEREAS, the Court held a status conference in this matter on February 11, 2014 during which time Plaintiffs' counsel agreed to file an Amended Complaint limiting Plaintiffs' claims to those for which "out-of-pocket" or "benefit of the bargain" damages are available; and

WHEREAS, the decision to grant leave to amend rests within the discretion of the District Court and this Court finds no undue delay, bad faith or dilatory motive on the part of the Plaintiffs, undue prejudice to the Defendants or futility of amendment, *Foman v. Davis*, 371 U.S. 178, 182, 83 S. Ct. 227, 9 L.Ed. 2d 222 (1962); and for good cause shown,

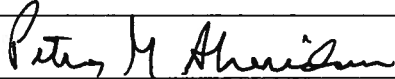
IT IS on this 11th day of February, 2014, hereby:

ORDERED that Plaintiffs shall file an Amended Complaint within thirty (30) days of the date of this Order; and, it is further

ORDERED that Defendants' Motion to Dismiss Plaintiffs' Second Amended Complaint (ECF No. 34) is **DENIED** without prejudice as moot; and it is further

ORDERED that Defendants may re-move for dismissal of Plaintiffs' claims upon Plaintiffs' filing of an Amended Complaint.

Date: February 11, 2014



PETER G. SHERIDAN, U.S.D.J.
